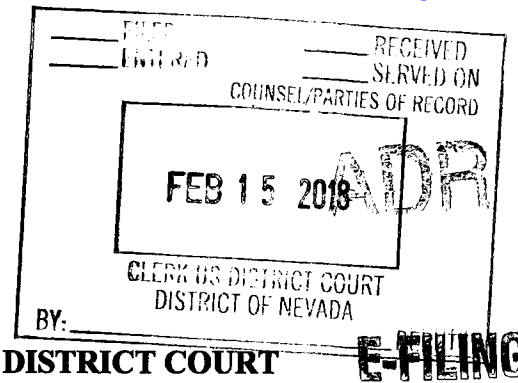


Michelle Bertsch
4030 Deerfield Avenue
Las Vegas, Nevada 89147
702-371-8288
In Proper Person



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MICHELLE BERTSCH,

Plaintiffs,

vs.

2:18-cv-00290-GMN-GWF

DISCOVER FINANCIAL SERVICES, CHASE BANK
SEARS CITIBANK DBA CBNA, US BANCORP,
BANK OF AMERICA, N.A., SYNCHRONY
FINANCIAL, AND ROES I THROUGH X,
INCLUSIVE,

Defendants.

COMPLAINT

(DEMAND FOR JURY TRIAL)

A. JURISDICTION

- 1) MICHELLE BERTSCH, is a citizen of Nevada, who presently resides at 4030 Deerfield Avenue, Las Vegas, Nevada 89147.
- 2) Jurisdiction is invoked pursuant to
- 3) Defendant, Discover Financial Services (hereinafter referred to as "Discover") is a banking institution conducting business in the State of Nevada, as a foreign entity;
- 4) Defendant, Chase Bank (hereinafter referred to as "Chase") is a banking institution conducting business in the State of Nevada, as a foreign entity;

- 1 5) Defendant, Sears Citibank dba CBNA (hereinafter referred to as "CBNA") is a banking
2 institution conducting business in the State of Nevada, as a foreign entity;
- 3 6) Defendant, US BANCORP (hereinafter referred to as "US Bank") is a banking
4 institution conducting business in the State of Nevada, as a foreign entity;
- 5 7) Defendant, Bank of America, N.A. (hereinafter referred to as "Bank of America") is a
6 banking institution conducting business in the State of Nevada, as a foreign entity;
- 7 8) Defendant, Synchrony Financial (hereinafter referred to as "Synchrony") is a banking
8 institution conducting business in the State of Nevada, as a foreign entity;
- 9 9) That the parties have diversity and the matter has damages in excess of \$75,000, thus
10 jurisdiction is invoked pursuant to federal law.

11
12
13 GENERAL ALLEGATIONS

- 14
- 15 1) The true names and capacities, whether individual, corporate, associate or otherwise,
16 of Defendants ROE I through X, inclusive, are unknown to Plaintiffs, who therefore
17 sue said Defendants by such fictitious names. The Plaintiffs are informed, believe and
18 thereupon allege that the Defendants designated herein as ROE I through X, inclusive,
19 are any one of the following:

- 20
21 i. Parties responsible in some manner for the events and happenings herein
22 referred to that caused injuries and damages thereby to the Plaintiff as
23 herein alleged;
- 24 ii. Parties that are the agents, servants, employees and/or contractors of
25 the Defendants, each of them acting within the course and scope of their
26 agency, employment or contract;

1 iii. Parties that have assumed or retained the liabilities of any of the
2 Defendants by an agreement, sale, transfer or otherwise;

3 iv. The Plaintiffs will ask leave of the Court to amend this Complaint to
4 insert the true names and capacities of said Defendants, ROES A-Z,
5 inclusive, when the same have been ascertained by the Plaintiff, together
6 with appropriate charging allegations, and to join said Defendants in the
7 action;
8

9 2) Jurisdiction is invoked pursuant to federal law.

10 3) That Plaintiff wrote a Qualified Written Request Non Negotiable Dispute of Alleged
11 Debt to Defendants, DISCOVER FINANCIAL SERVICES, CHASE BANK, SEARS
12 CITIBANK DBA CBNA, US BANCORP, BANK OF AMERICA, N.A.,
13 SYNCHRONY FINANCIAL ON OR ABOUT NOVEMBER 2, 2017;
14

15 4) That Plaintiff properly notified Defendants that she was a victim of identity theft, and
16 requested validation of the debts incurred;
17

18 5) That Plaintiff rightfully disputed countless credit card transactions with all Defendants,
19 to no avail;

20 6) That Plaintiff was named as a Defendant in a US Department of Justice lawsuit in case
21 number 16-CR-00466;
22

23 7) That Plaintiff was a victim of identity theft that was processed through the US
24 Department of Justice, wherein a criminal case proceeded against several Defendants,
25 including, but not limited to Jason Gallagher, Anthony Swiantek, Donadl Schnock,
26 Brian Phillips, Scott Shocklee, Jennifer Hansen, Timothy Murphy, Andre Devoe,
27
28

Michael Silver, John Balleweg, Dean Miller, Cybill Osterman, Michael McNeill,
Ashley Powell, Shawn Casey, Philip Hale, Thomas Silha, Bruce Doll, Joshua Flynn;

- 8) That Defendants were indicted by the Federal Trading Commission for illegally billing
for services;
- 9) That Defendants continued to litigate the debts as valid debts, despite Plaintiff's filing
of fraudulent charges.

FIRST CAUSE OF ACTION

(VIOLATION OF SECURITIES EXCHANGE ACT OF 1934)

- 10) Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
facts as it fully set forth herein;
- 11) That Plaintiff was and is a victim of identity theft, and such identity theft was properly
reported to the credit providers, Defendants as stated herein;
- 12) That Plaintiff purchased identity theft protection through the credit provider;
- 13) That Defendants did not fully comply with the terms of the agreement set forth therein;
- 14) That Defendant had the intention of defrauding Plaintiff by failing to honor the identity
theft program as sold to Plaintiff;
- 15) That Defendant was fully aware that their representations were false;
- 16) The Defendants breached that promise without good cause and in bad faith;
- 17) The breach by the Defendants of their promise, which was willful or negligent, was
conducted by such malice, insult, and abuse that it constituted an independent tort, thus
entitling the Plaintiff to recover punitive damages as well as actual damages;

1 18) That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
2 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
3 costs of suit incurred herein.
4

5 SECOND CAUSE OF ACTION

6 (VIOLATION OF 31 CFR 103.35 FINANCIAL RECORDKEEPING AND REPORTING)

7 5 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
8 facts as it fully set forth herein;

9 6 Plaintiff is informed and believes, and alleges that the property was for Defendant's
10 own purposes of retaining the fraudulent charges.
11

12 7 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
13 the time of trial, including all damages, in excess of \$75,000.

14 8 Plaintiff is entitled to damages and repossession of the converted monies and will seek
15 their election of remedies, at the time of trial.

16 9 Plaintiff is further entitled to compensation for the time and money expended in pursuit
17 of the removal of the fraudulent charges.
18

19 10 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
20 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
21 to proof at the time of trial.
22

23 11 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

24 12 Plaintiff further seek full compensation for the time and money expended in pursuit of
25 the property and punitive and exemplary damages and such further relief as this Court
26 deems
27
28

1 13 Plaintiff request this Court grant costs with actual damages, statutory damages, and
2 such further relief as this Court deems just and proper.

3 14 Plaintiff further seek full compensation for the time and money expended in pursuit of
4 disputing and litigating the charges, punitive and exemplary damages, and such further
5 relief as this Court deems just and proper.
6

7 15 The violation by Defendants, which was willful or negligent, was conducted by such
8 malice, insult, and abuse that it constituted an independent tort, thus entitling the
9 Plaintiff to recover punitive damages as well as actual damages;
10

11 16 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
12 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
13 costs of suit incurred herein.

14 THIRD CAUSE OF ACTION

15 (VIOLATION OF 17 CFR 240.15C1-2 FRAUD AND MISREPRESENTATION)
16

17 17 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
18 facts as it fully set forth herein;

19 18 Plaintiff is informed and believes, and alleges that the property was for Defendant's
20 own purposes of retaining the fraudulent charges.

21 19 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
22 the time of trial, including all damages, in excess of \$75,000.
23

24 20 Plaintiff is entitled to damages and repossession of the converted monies and will seek
25 their election of remedies, at the time of trial.

26 21 Plaintiff is further entitled to compensation for the time and money expended in pursuit
27 of the removal of the fraudulent charges.
28

22 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
to proof at the time of trial.

23 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

24 Plaintiff further seek full compensation for the time and money expended in pursuit of
the property and punitive and exemplary damages and such further relief as this Court
deems

25 Plaintiff request this Court grant costs with actual damages, statutory damages, and
such further relief as this Court deems just and proper.

26 Plaintiff further seek full compensation for the time and money expended in pursuit of
disputing and litigating the charges, punitive and exemplary damages, and such further
relief as this Court deems just and proper.

27 The violation by Defendants, which was willful or negligent, was conducted by such
malice, insult, and abuse that it constituted an independent tort, thus entitling the
Plaintiff to recover punitive damages as well as actual damages;

28 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
costs of suit incurred herein.

FOURTH CAUSE OF ACTION

(VIOLATION OF 18 USC 1956 LAUNDERING OF MONETARY INSTRUMENTS)

29 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
facts as it fully set forth herein;

1 30 Plaintiff is informed and believes, and alleges that the property was for Defendant's
2 own purposes of retaining the fraudulent charges.

3 31 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
4 the time of trial, including all damages, in excess of \$75,000.
5

6 32 Plaintiff is entitled to damages and repossession of the converted monies and will seek
7 their election of remedies, at the time of trial.

8 33 Plaintiff is further entitled to compensation for the time and money expended in pursuit
9 of the removal of the fraudulent charges.
10

11 34 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
12 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
13 to proof at the time of trial.

14 35 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

15 36 Plaintiff further seek full compensation for the time and money expended in pursuit of
16 the property and punitive and exemplary damages and such further relief as this Court
17 deems
18

19 37 Plaintiff request this Court grant costs with actual damages, statutory damages, and
20 such further relief as this Court deems just and proper.

21 38 Plaintiff further seek full compensation for the time and money expended in pursuit of
22 disputing and litigating the charges, punitive and exemplary damages, and such further
23 relief as this Court deems just and proper.
24

25 39 The violation by Defendants, which was willful or negligent, was conducted by such
26 malice, insult, and abuse that it constituted an independent tort, thus entitling the
27 Plaintiff to recover punitive damages as well as actual damages;
28

1 40 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
2 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
3 costs of suit incurred herein.
4

5 FIFTH CAUSE OF ACTION

6 (VIOLATION OF 18 USC 1957 ENGAGING IN MONETARY TRANSACTIONS IN
7 PROPERTY DERIVED FROM SPECIFIED UNLAWFUL ACTIVITY)

8 41 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
9 facts as it fully set forth herein;

10 42 Plaintiff is informed and believes, and alleges that the property was for Defendant's
11 own purposes of retaining the fraudulent charges.

12 43 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
13 the time of trial, including all damages, in excess of \$75,000.
14

15 44 Plaintiff is entitled to damages and repossession of the converted monies and will seek
16 their election of remedies, at the time of trial.

17 45 Plaintiff is further entitled to compensation for the time and money expended in pursuit
18 of the removal of the fraudulent charges.
19

20 46 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
21 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
22 to proof at the time of trial.

23 47 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

24 48 Plaintiff further seek full compensation for the time and money expended in pursuit of
25 the property and punitive and exemplary damages and such further relief as this Court
26 deems
27

1 49 Plaintiff request this Court grant costs with actual damages, statutory damages, and
2 such further relief as this Court deems just and proper.

3 50 Plaintiff further seek full compensation for the time and money expended in pursuit of
4 disputing and litigating the charges, punitive and exemplary damages, and such further
5 relief as this Court deems just and proper.
6

7 51 The violation by Defendants, which was willful or negligent, was conducted by such
8 malice, insult, and abuse that it constituted an independent tort, thus entitling the
9 Plaintiff to recover punitive damages as well as actual damages;
10

11 52 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
12 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
13 costs of suit incurred herein.

14 SIXTH CAUSE OF ACTION

15 (VIOLATION OF 31 USC 5324 STRUCTURING TRANSACTION TO EVADE
16 REPORTING REQUIREMENTS)

17 53 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
18 facts as it fully set forth herein;
19

20 54 Plaintiff is informed and believes, and alleges that the property was for Defendant's
21 own purposes of retaining the fraudulent charges.

22 55 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
23 the time of trial, including all damages, in excess of \$75,000.

24 56 Plaintiff is entitled to damages and repossession of the converted monies and will seek
25 their election of remedies, at the time of trial.
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1 57 Plaintiff is further entitled to compensation for the time and money expended in pursuit
2 of the removal of the fraudulent charges.

3 58 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
4 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
5 to proof at the time of trial.
6

7 59 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

8 60 Plaintiff further seek full compensation for the time and money expended in pursuit of
9 the property and punitive and exemplary damages and such further relief as this Court
10 deems
11

12 61 Plaintiff request this Court grant costs with actual damages, statutory damages, and
13 such further relief as this Court deems just and proper.

14 62 Plaintiff further seek full compensation for the time and money expended in pursuit of
15 disputing and litigating the charges, punitive and exemplary damages, and such further
16 relief as this Court deems just and proper.
17

18 63 The violation by Defendants, which was willful or negligent, was conducted by such
19 malice, insult, and abuse that it constituted an independent tort, thus entitling the
20 Plaintiff to recover punitive damages as well as actual damages;
21

22 64 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
23 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
24 costs of suit incurred herein.

25 SEVENTH CAUSE OF ACTION

26 (VIOLATION OF TRUTH AND LENDING ACT SECTION 1640H)
27

1 65 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
2 facts as it fully set forth herein;

3 66 Plaintiff is informed and believes, and alleges that the property was for Defendant's
4 own purposes of retaining the fraudulent charges.
5

6 67 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
7 the time of trial, including all damages, in excess of \$75,000.

8 68 Plaintiff is entitled to damages and repossession of the converted monies and will seek
9 their election of remedies, at the time of trial.
10

11 69 Plaintiff is further entitled to compensation for the time and money expended in pursuit
12 of the removal of the fraudulent charges.

13 70 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
14 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
15 to proof at the time of trial.
16

17 71 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

18 72 Plaintiff further seek full compensation for the time and money expended in pursuit of
19 the property and punitive and exemplary damages and such further relief as this Court
20 deems
21

22 73 Plaintiff request this Court grant costs with actual damages, statutory damages, and
23 such further relief as this Court deems just and proper.

24 74 Plaintiff further seek full compensation for the time and money expended in pursuit of
25 disputing and litigating the charges, punitive and exemplary damages, and such further
26 relief as this Court deems just and proper.
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1 75 The violation by Defendants, which was willful or negligent, was conducted by such
2 malice, insult, and abuse that it constituted an independent tort, thus entitling the
3 Plaintiff to recover punitive damages as well as actual damages;
4

5 76 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
6 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
7 costs of suit incurred herein.

8 EIGHTH CAUSE OF ACTION

9 (VIOLATION OF ANTI TRUST LAW)

10 77 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
11 facts as it fully set forth herein;
12

13 78 Plaintiff is informed and believes, and alleges that the property was for Defendant's
14 own purposes of retaining the fraudulent charges.

15 79 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
16 the time of trial, including all damages, in excess of \$75,000.
17

18 80 Plaintiff is entitled to damages and repossession of the converted monies and will seek
19 their election of remedies, at the time of trial.

20 81 Plaintiff is further entitled to compensation for the time and money expended in pursuit
21 of the removal of the fraudulent charges.
22

23 82 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
24 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
25 to proof at the time of trial.

26 83 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.
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1 84 Plaintiff further seek full compensation for the time and money expended in pursuit of
2 the property and punitive and exemplary damages and such further relief as this Court
3 deems

4
5 85 Plaintiff request this Court grant costs with actual damages, statutory damages, and
6 such further relief as this Court deems just and proper.

7 86 Plaintiff further seek full compensation for the time and money expended in pursuit of
8 disputing and litigating the charges, punitive and exemplary damages, and such further
9 relief as this Court deems just and proper.

10
11 87 The violation by Defendants, which was willful or negligent, was conducted by such
12 malice, insult, and abuse that it constituted an independent tort, thus entitling the
13 Plaintiff to recover punitive damages as well as actual damages;

14 88 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
15 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
16 costs of suit incurred herein.

17
18 NINTH CAUSE OF ACTION

19 (VIOLATION OF THE UNFIROM DECEPTIVE TRADE PRACTICES ACT)

20 89 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
21 facts as it fully set forth herein;

22
23 90 Plaintiff is informed and believes, and alleges that the property was for Defendant's
24 own purposes of retaining the fraudulent charges.

25 91 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
26 the time of trial, including all damages, in excess of \$75,000.

1 92 Plaintiff is entitled to damages and repossession of the converted monies and will seek
2 their election of remedies, at the time of trial.

3 93 Plaintiff is further entitled to compensation for the time and money expended in pursuit
4 of the removal of the fraudulent charges.

5 94 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
6 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
7 to proof at the time of trial.

8 95 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

9 96 Plaintiff further seek full compensation for the time and money expended in pursuit of
10 the property and punitive and exemplary damages and such further relief as this Court
11 deems

12 97 Plaintiff request this Court grant costs with actual damages, statutory damages, and
13 such further relief as this Court deems just and proper.

14 98 Plaintiff further seek full compensation for the time and money expended in pursuit of
15 disputing and litigating the charges, punitive and exemplary damages, and such further
16 relief as this Court deems just and proper.

17 99 The violation by Defendants, which was willful or negligent, was conducted by such
18 malice, insult, and abuse that it constituted an independent tort, thus entitling the
19 Plaintiff to recover punitive damages as well as actual damages;

20 100 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
21 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
22 costs of suit incurred herein.

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27 TENTH CAUSE OF ACTION

(BANK FRAUD)

101Plaintiff re-alleges and incorporates by reference all preceding allegations of law and facts as it fully set forth herein;

102Plaintiff is informed and believes, and alleges that the property was for Defendant's own purposes of retaining the fraudulent charges.

103As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at the time of trial, including all damages, in excess of \$75,000.

104Plaintiff is entitled to damages and repossession of the converted monies and will seek their election of remedies, at the time of trial.

105Plaintiff is further entitled to compensation for the time and money expended in pursuit of the removal of the fraudulent charges.

106Defendants acted with willful oppression, fraud, malice and in conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according to proof at the time of trial.

107Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

108Plaintiff further seek full compensation for the time and money expended in pursuit of the property and punitive and exemplary damages and such further relief as this Court deems

109Plaintiff request this Court grant costs with actual damages, statutory damages, and such further relief as this Court deems just and proper.

1 110Plaintiff further seek full compensation for the time and money expended in pursuit of
2 disputing and litigating the charges, punitive and exemplary damages, and such further
3 relief as this Court deems just and proper.
4

5 111The violation by Defendants, which was willful or negligent, was conducted by such
6 malice, insult, and abuse that it constituted an independent tort, thus entitling the
7 Plaintiff to recover punitive damages as well as actual damages;

8 112That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
9 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
10 costs of suit incurred herein.
11

12 ELEVENTH CAUSE OF ACTION

13 (WIRE FRAUD)

14 113Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
15 facts as it fully set forth herein;
16

17 114Plaintiff is informed and believes, and alleges that the property was for Defendant's
18 own purposes of retaining the fraudulent charges.

19 115As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
20 the time of trial, including all damages, in excess of \$75,000.

21 116Plaintiff is entitled to damages and repossession of the converted monies and will seek
22 their election of remedies, at the time of trial.
23

24 117Plaintiff is further entitled to compensation for the time and money expended in pursuit
25 of the removal of the fraudulent charges.
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1 118 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
2 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
3 to proof at the time of trial.

4
5 119 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

6 120 Plaintiff further seek full compensation for the time and money expended in pursuit of
7 the property and punitive and exemplary damages and such further relief as this Court
8 deems

9
10 121 Plaintiff request this Court grant costs with actual damages, statutory damages, and
11 such further relief as this Court deems just and proper.

12 122 Plaintiff further seek full compensation for the time and money expended in pursuit of
13 disputing and litigating the charges, punitive and exemplary damages, and such further
14 relief as this Court deems just and proper.

15 123 The violation by Defendants, which was willful or negligent, was conducted by such
16 malice, insult, and abuse that it constituted an independent tort, thus entitling the
17 Plaintiff to recover punitive damages as well as actual damages;

18
19 124 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
20 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
21 costs of suit incurred herein.

22
23 TWELVETH CAUSE OF ACTION

24 (VIOLATION OF THE CONSUMER CREDIT COST DISCLOSURE ACT)

25 125 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
26 facts as it fully set forth herein;

1 126Plaintiff is informed and believes, and alleges that the property was for Defendant's
2 own purposes of retaining the fraudulent charges.

3 127As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
4 the time of trial, including all damages, in excess of \$75,000.

5 128Plaintiff is entitled to damages and repossession of the converted monies and will seek
6 their election of remedies, at the time of trial.

7 129Plaintiff is further entitled to compensation for the time and money expended in pursuit
8 of the removal of the fraudulent charges.

9 130Defendants acted with willful oppression, fraud, malice and in conscious disregard of
10 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
11 to proof at the time of trial.

12 131Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

13 132Plaintiff further seek full compensation for the time and money expended in pursuit of
14 the property and punitive and exemplary damages and such further relief as this Court
15 deems

16 133Plaintiff request this Court grant costs with actual damages, statutory damages, and
17 such further relief as this Court deems just and proper.

18 134Plaintiff further seek full compensation for the time and money expended in pursuit of
19 disputing and litigating the charges, punitive and exemplary damages, and such further
20 relief as this Court deems just and proper.

21 135The violation by Defendants, which was willful or negligent, was conducted by such
22 malice, insult, and abuse that it constituted an independent tort, thus entitling the
23 Plaintiff to recover punitive damages as well as actual damages;

1 136That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
2 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
3 costs of suit incurred herein.
4

5 THIRTEENTH CAUSE OF ACTION
6 (VIOLATION OF FAIR ADVERTISING)

7 137Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
8 facts as it fully set forth herein;
9

10 138Plaintiff is informed and believes, and alleges that the property was for Defendant's
11 own purposes of retaining the fraudulent charges.

12 139As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
13 the time of trial, including all damages, in excess of \$75,000.

14 140Plaintiff is entitled to damages and repossession of the converted monies and will seek
15 their election of remedies, at the time of trial.
16

17 141Plaintiff is further entitled to compensation for the time and money expended in pursuit
18 of the removal of the fraudulent charges.

19 142Defendants acted with willful oppression, fraud, malice and in conscious disregard of
20 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
21 to proof at the time of trial.
22

23 143Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

24 144Plaintiff further seek full compensation for the time and money expended in pursuit of
25 the property and punitive and exemplary damages and such further relief as this Court
26 deems
27
28

1 145Plaintiff request this Court grant costs with actual damages, statutory damages, and
2 such further relief as this Court deems just and proper.

3 146Plaintiff further seek full compensation for the time and money expended in pursuit of
4 disputing and litigating the charges, punitive and exemplary damages, and such further
5 relief as this Court deems just and proper.
6

7 147The violation by Defendants, which was willful or negligent, was conducted by such
8 malice, insult, and abuse that it constituted an independent tort, thus entitling the
9 Plaintiff to recover punitive damages as well as actual damages;
10

11 148That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
12 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
13 costs of suit incurred herein.

14 FOURTEENTH CAUSE OF ACTION

15 (VIOLATION OF UNFAIR SALES ACT)
16

17 149Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
18 facts as it fully set forth herein;

19 150Plaintiff is informed and believes, and alleges that the property was for Defendant's
20 own purposes of retaining the fraudulent charges.

21 151As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
22 the time of trial, including all damages, in excess of \$75,000.
23

24 152Plaintiff is entitled to damages and repossession of the converted monies and will seek
25 their election of remedies, at the time of trial.

26 153Plaintiff is further entitled to compensation for the time and money expended in pursuit
27 of the removal of the fraudulent charges.
28

1 154 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
2 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
3 to proof at the time of trial.

4
5 155 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

6 156 Plaintiff further seek full compensation for the time and money expended in pursuit of
7 the property and punitive and exemplary damages and such further relief as this Court
8 deems

9
10 157 Plaintiff request this Court grant costs with actual damages, statutory damages, and
11 such further relief as this Court deems just and proper.

12 158 Plaintiff further seek full compensation for the time and money expended in pursuit of
13 disputing and litigating the charges, punitive and exemplary damages, and such further
14 relief as this Court deems just and proper.

15 159 The violation by Defendants, which was willful or negligent, was conducted by such
16 malice, insult, and abuse that it constituted an independent tort, thus entitling the
17 Plaintiff to recover punitive damages as well as actual damages;

18
19 160 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
20 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
21 costs of suit incurred herein.

22
23 FIFTEENTH CAUSE OF ACTION

24 (VIOLATION OF UNFAIR COMPETITION)

25 161 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
26 facts as it fully set forth herein;

1 162Plaintiff is informed and believes, and alleges that the property was for Defendant's
2 own purposes of retaining the fraudulent charges.

3 163As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
4 the time of trial, including all damages, in excess of \$75,000.

5 164Plaintiff is entitled to damages and repossession of the converted monies and will seek
6 their election of remedies, at the time of trial.

7 165Plaintiff is further entitled to compensation for the time and money expended in pursuit
8 of the removal of the fraudulent charges.

9 166Defendants acted with willful oppression, fraud, malice and in conscious disregard of
10 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
11 to proof at the time of trial.

12 167Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

13 168Plaintiff further seek full compensation for the time and money expended in pursuit of
14 the property and punitive and exemplary damages and such further relief as this Court
15 deems

16 169Plaintiff request this Court grant costs with actual damages, statutory damages, and
17 such further relief as this Court deems just and proper.

18 170Plaintiff further seek full compensation for the time and money expended in pursuit of
19 disputing and litigating the charges, punitive and exemplary damages, and such further
20 relief as this Court deems just and proper.

21 171The violation by Defendants, which was willful or negligent, was conducted by such
22 malice, insult, and abuse that it constituted an independent tort, thus entitling the
23 Plaintiff to recover punitive damages as well as actual damages;

1 172 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
2 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
3 costs of suit incurred herein.
4

5 SIXTEENTH CAUSE OF ACTION

6 (VIOLATION OF 12 USCA SEC 1831N(A)(2)(A) AND CFR 741.6(B)(GAAP))

7 173 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
8 facts as it fully set forth herein;
9

10 174 Plaintiff is informed and believes, and alleges that the property was for Defendant's
11 own purposes of retaining the fraudulent charges.

12 175 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
13 the time of trial, including all damages, in excess of \$75,000.

14 176 Plaintiff is entitled to damages and repossession of the converted monies and will seek
15 their election of remedies, at the time of trial.
16

17 177 Plaintiff is further entitled to compensation for the time and money expended in pursuit
18 of the removal of the fraudulent charges.

19 178 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
20 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
21 to proof at the time of trial.
22

23 179 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

24 180 Plaintiff further seek full compensation for the time and money expended in pursuit of
25 the property and punitive and exemplary damages and such further relief as this Court
26 deems
27
28

1 181Plaintiff request this Court grant costs with actual damages, statutory damages, and
2 such further relief as this Court deems just and proper.

3 182Plaintiff further seek full compensation for the time and money expended in pursuit of
4 disputing and litigating the charges, punitive and exemplary damages, and such further
5 relief as this Court deems just and proper.
6

7 183The violation by Defendants, which was willful or negligent, was conducted by such
8 malice, insult, and abuse that it constituted an independent tort, thus entitling the
9 Plaintiff to recover punitive damages as well as actual damages;
10

11 184That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
12 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
13 costs of suit incurred herein.

14 SEVENTEENTH CAUSE OF ACTION

15 (VIOLATION OF 18 USC 513 AND 514 COUNTERFEITING AND FORGERY)
16

17 185Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
18 facts as it fully set forth herein;

19 186Plaintiff is informed and believes, and alleges that the property was for Defendant's
20 own purposes of retaining the fraudulent charges.

21 187As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
22 the time of trial, including all damages, in excess of \$75,000.
23

24 188Plaintiff is entitled to damages and repossession of the converted monies and will seek
25 their election of remedies, at the time of trial.

26 189Plaintiff is further entitled to compensation for the time and money expended in pursuit
27 of the removal of the fraudulent charges.
28

1 190 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
2 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
3 to proof at the time of trial.

4
5 191 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

6 192 Plaintiff further seek full compensation for the time and money expended in pursuit of
7 the property and punitive and exemplary damages and such further relief as this Court
8 deems

9
10 193 Plaintiff request this Court grant costs with actual damages, statutory damages, and
11 such further relief as this Court deems just and proper.

12 194 Plaintiff further seek full compensation for the time and money expended in pursuit of
13 disputing and litigating the charges, punitive and exemplary damages, and such further
14 relief as this Court deems just and proper.

15 195 The violation by Defendants, which was willful or negligent, was conducted by such
16 malice, insult, and abuse that it constituted an independent tort, thus entitling the
17 Plaintiff to recover punitive damages as well as actual damages;

18
19 196 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
20 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
21 costs of suit incurred herein.

22
23 EIGHTEENTH CAUSE OF ACTION

24 (VIOLATION OF PRO OFFERING OF INVESTMENT SECURITIES)

25 197 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
26 facts as it fully set forth herein;

1 198Plaintiff is informed and believes, and alleges that the property was for Defendant's
2 own purposes of retaining the fraudulent charges.

3 199As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
4 the time of trial, including all damages, in excess of \$75,000.

5 200Plaintiff is entitled to damages and repossession of the converted monies and will seek
6 their election of remedies, at the time of trial.

7 201Plaintiff is further entitled to compensation for the time and money expended in pursuit
8 of the removal of the fraudulent charges.

9 202Defendants acted with willful oppression, fraud, malice and in conscious disregard of
10 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
11 to proof at the time of trial.

12 203Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

13 204Plaintiff further seek full compensation for the time and money expended in pursuit of
14 the property and punitive and exemplary damages and such further relief as this Court
15 deems

16 205Plaintiff request this Court grant costs with actual damages, statutory damages, and
17 such further relief as this Court deems just and proper.

18 206Plaintiff further seek full compensation for the time and money expended in pursuit of
19 disputing and litigating the charges, punitive and exemplary damages, and such further
20 relief as this Court deems just and proper.

21 207The violation by Defendants, which was willful or negligent, was conducted by such
22 malice, insult, and abuse that it constituted an independent tort, thus entitling the
23 Plaintiff to recover punitive damages as well as actual damages;

1 208 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
2 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
3 costs of suit incurred herein.
4

5 NINETEENTH CAUSE OF ACTION

6 (VIOLATION OF 12 USC CHAPTER 2 SUBCHAPTER 4 SECTION 83(A))

7 209 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
8 facts as it fully set forth herein;
9

10 210 Plaintiff is informed and believes, and alleges that the property was for Defendant's
11 own purposes of retaining the fraudulent charges.

12 211 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
13 the time of trial, including all damages, in excess of \$75,000.

14 212 Plaintiff is entitled to damages and repossession of the converted monies and will seek
15 their election of remedies, at the time of trial.
16

17 213 Plaintiff is further entitled to compensation for the time and money expended in pursuit
18 of the removal of the fraudulent charges.

19 214 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
20 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
21 to proof at the time of trial.
22

23 215 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

24 216 Plaintiff further seek full compensation for the time and money expended in pursuit of
25 the property and punitive and exemplary damages and such further relief as this Court
26 deems
27
28

1 217Plaintiff request this Court grant costs with actual damages, statutory damages, and
2 such further relief as this Court deems just and proper.

3 218Plaintiff further seek full compensation for the time and money expended in pursuit of
4 disputing and litigating the charges, punitive and exemplary damages, and such further
5 relief as this Court deems just and proper.
6

7 219The violation by Defendants, which was willful or negligent, was conducted by such
8 malice, insult, and abuse that it constituted an independent tort, thus entitling the
9 Plaintiff to recover punitive damages as well as actual damages;
10

11 220That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
12 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
13 costs of suit incurred herein.

14 TWEENTH CAUSE OF ACTION

15 (VIOLATION OF LAW BY ACTS OF PRIVATEERING BY BREACH OF CONTRACT
16 OR TAKINGS)
17

18 221Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
19 facts as it fully set forth herein;

20 222Plaintiff is informed and believes, and alleges that the property was for Defendant's
21 own purposes of retaining the fraudulent charges.
22

23 223As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
24 the time of trial, including all damages, in excess of \$75,000.

25 224Plaintiff is entitled to damages and repossession of the converted monies and will seek
26 their election of remedies, at the time of trial.
27

1 225Plaintiff is further entitled to compensation for the time and money expended in pursuit
2 of the removal of the fraudulent charges.

3 226Defendants acted with willful oppression, fraud, malice and in conscious disregard of
4 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
5 to proof at the time of trial.
6

7 227Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

8 228Plaintiff further seek full compensation for the time and money expended in pursuit of
9 the property and punitive and exemplary damages and such further relief as this Court
10 deems
11

12 229Plaintiff request this Court grant costs with actual damages, statutory damages, and
13 such further relief as this Court deems just and proper.

14 230Plaintiff further seek full compensation for the time and money expended in pursuit of
15 disputing and litigating the charges, punitive and exemplary damages, and such further
16 relief as this Court deems just and proper.
17

18 231The violation by Defendants, which was willful or negligent, was conducted by such
19 malice, insult, and abuse that it constituted an independent tort, thus entitling the
20 Plaintiff to recover punitive damages as well as actual damages;

21 232That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
22 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
23 costs of suit incurred herein.
24

25 TWENTY FIRST CAUSE OF ACTION

26 (VIOLATION OF LAW BY ACTS OF COLLUSION)
27

1 233Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
2 facts as it fully set forth herein;

3 234Plaintiff is informed and believes, and alleges that the property was for Defendant's
4 own purposes of retaining the fraudulent charges.
5

6 235As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
7 the time of trial, including all damages, in excess of \$75,000.

8 236Plaintiff is entitled to damages and repossession of the converted monies and will seek
9 their election of remedies, at the time of trial.
10

11 237Plaintiff is further entitled to compensation for the time and money expended in pursuit
12 of the removal of the fraudulent charges.

13 238Defendants acted with willful oppression, fraud, malice and in conscious disregard of
14 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
15 to proof at the time of trial.
16

17 239Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

18 240Plaintiff further seek full compensation for the time and money expended in pursuit of
19 the property and punitive and exemplary damages and such further relief as this Court
20 deems

21 241Plaintiff request this Court grant costs with actual damages, statutory damages, and
22 such further relief as this Court deems just and proper.
23

24 242Plaintiff further seek full compensation for the time and money expended in pursuit of
25 disputing and litigating the charges, punitive and exemplary damages, and such further
26 relief as this Court deems just and proper.
27
28

1 243The violation by Defendants, which was willful or negligent, was conducted by such
2 malice, insult, and abuse that it constituted an independent tort, thus entitling the
3 Plaintiff to recover punitive damages as well as actual damages;
4

5 244That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
6 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
7 costs of suit incurred herein.

8 TWENTY SECOND CAUSE OF ACTION

9 (VIOLATION OF PAPER TERRORISM)

10 245Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
11 facts as it fully set forth herein;
12

13 246Plaintiff is informed and believes, and alleges that the property was for Defendant's
14 own purposes of retaining the fraudulent charges.

15 247As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
16 the time of trial, including all damages, in excess of \$75,000.
17

18 248Plaintiff is entitled to damages and repossession of the converted monies and will seek
19 their election of remedies, at the time of trial.

20 249Plaintiff is further entitled to compensation for the time and money expended in pursuit
21 of the removal of the fraudulent charges.
22

23 250Defendants acted with willful oppression, fraud, malice and in conscious disregard of
24 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
25 to proof at the time of trial.

26 251Plaintiff prays for relief in the form of damages according to proof, at the time of trial.
27

1 252Plaintiff further seek full compensation for the time and money expended in pursuit of
2 the property and punitive and exemplary damages and such further relief as this Court
3 deems

4
5 253Plaintiff request this Court grant costs with actual damages, statutory damages, and
6 such further relief as this Court deems just and proper.

7 254Plaintiff further seek full compensation for the time and money expended in pursuit of
8 disputing and litigating the charges, punitive and exemplary damages, and such further
9 relief as this Court deems just and proper.

10
11 255The violation by Defendants, which was willful or negligent, was conducted by such
12 malice, insult, and abuse that it constituted an independent tort, thus entitling the
13 Plaintiff to recover punitive damages as well as actual damages;

14 256That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
15 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
16 costs of suit incurred herein.

17
18 TWENTY THIRD CAUSE OF ACTION

19 (VIOLATION OF FREEDOM OF INFORMATION OR PRIVACY ACT AT 5 USC 552

20 AND 552(A) MISREPRESENTATION OF AGREEMENT)

21 257Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
22 facts as it fully set forth herein;

23
24 258Plaintiff is informed and believes, and alleges that the property was for Defendant's
25 own purposes of retaining the fraudulent charges.

26 259As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
27 the time of trial, including all damages, in excess of \$75,000.

1 260Plaintiff is entitled to damages and repossession of the converted monies and will seek
2 their election of remedies, at the time of trial.

3 261Plaintiff is further entitled to compensation for the time and money expended in pursuit
4 of the removal of the fraudulent charges.
5

6 262Defendants acted with willful oppression, fraud, malice and in conscious disregard of
7 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
8 to proof at the time of trial.

9 263Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

10 264Plaintiff further seek full compensation for the time and money expended in pursuit of
11 the property and punitive and exemplary damages and such further relief as this Court
12 deems
13

14 265Plaintiff request this Court grant costs with actual damages, statutory damages, and
15 such further relief as this Court deems just and proper.
16

17 266Plaintiff further seek full compensation for the time and money expended in pursuit of
18 disputing and litigating the charges, punitive and exemplary damages, and such further
19 relief as this Court deems just and proper.

20 267The violation by Defendants, which was willful or negligent, was conducted by such
21 malice, insult, and abuse that it constituted an independent tort, thus entitling the
22 Plaintiff to recover punitive damages as well as actual damages;
23

24 268That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
25 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
26 costs of suit incurred herein.

27 TWENTY FOURTH CAUSE OF ACTION

(VIOLATION OF FDCA 15 USC 1692 (e)(g)(a))

269Plaintiff re-alleges and incorporates by reference all preceding allegations of law and facts as it fully set forth herein;

270Plaintiff is informed and believes, and alleges that the property was for Defendant's own purposes of retaining the fraudulent charges.

271As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at the time of trial, including all damages, in excess of \$75,000.

272Plaintiff is entitled to damages and repossession of the converted monies and will seek their election of remedies, at the time of trial.

273Plaintiff is further entitled to compensation for the time and money expended in pursuit of the removal of the fraudulent charges.

274Defendants acted with willful oppression, fraud, malice and in conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according to proof at the time of trial.

275Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

276Plaintiff further seek full compensation for the time and money expended in pursuit of the property and punitive and exemplary damages and such further relief as this Court deems

277Plaintiff request this Court grant costs with actual damages, statutory damages, and such further relief as this Court deems just and proper.

1 278Plaintiff further seek full compensation for the time and money expended in pursuit of
2 disputing and litigating the charges, punitive and exemplary damages, and such further
3 relief as this Court deems just and proper.
4

5 279The violation by Defendants, which was willful or negligent, was conducted by such
6 malice, insult, and abuse that it constituted an independent tort, thus entitling the
7 Plaintiff to recover punitive damages as well as actual damages;

8 280That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
9 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
10 costs of suit incurred herein.
11

12 TWENTY FIFTH CAUSE OF ACTION

13 (VIOLATION OF 15 USC 1692d)

14 281Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
15 facts as it fully set forth herein;
16

17 282Plaintiff is informed and believes, and alleges that the property was for Defendant's
18 own purposes of retaining the fraudulent charges.

19 283As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
20 the time of trial, including all damages, in excess of \$75,000.

21 284Plaintiff is entitled to damages and repossession of the converted monies and will seek
22 their election of remedies, at the time of trial.
23

24 285Plaintiff is further entitled to compensation for the time and money expended in pursuit
25 of the removal of the fraudulent charges.
26
27
28

1 286Defendants acted with willful oppression, fraud, malice and in conscious disregard of
2 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
3 to proof at the time of trial.

4
5 287Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

6 288Plaintiff further seek full compensation for the time and money expended in pursuit of
7 the property and punitive and exemplary damages and such further relief as this Court
8 deems

9 289Plaintiff request this Court grant costs with actual damages, statutory damages, and
10 such further relief as this Court deems just and proper.

11
12 290Plaintiff further seek full compensation for the time and money expended in pursuit of
13 disputing and litigating the charges, punitive and exemplary damages, and such further
14 relief as this Court deems just and proper.

15 291The violation by Defendants, which was willful or negligent, was conducted by such
16 malice, insult, and abuse that it constituted an independent tort, thus entitling the
17 Plaintiff to recover punitive damages as well as actual damages;

18
19 292That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
20 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
21 costs of suit incurred herein.

22
23 TWENTY SIXTH CAUSE OF ACTION

24 (VIOLATION OF STATE CONSUMER PROTECTION LAWS)

25 293Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
26 facts as it fully set forth herein;

1 294Plaintiff is informed and believes, and alleges that the property was for Defendant's
2 own purposes of retaining the fraudulent charges.

3 295As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
4 the time of trial, including all damages, in excess of \$75,000.

5 296Plaintiff is entitled to damages and repossession of the converted monies and will seek
6 their election of remedies, at the time of trial.

7 297Plaintiff is further entitled to compensation for the time and money expended in pursuit
8 of the removal of the fraudulent charges.

9 298Defendants acted with willful oppression, fraud, malice and in conscious disregard of
10 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
11 to proof at the time of trial.

12 299Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

13 300Plaintiff further seek full compensation for the time and money expended in pursuit of
14 the property and punitive and exemplary damages and such further relief as this Court
15 deems

16 301Plaintiff request this Court grant costs with actual damages, statutory damages, and
17 such further relief as this Court deems just and proper.

18 302Plaintiff further seek full compensation for the time and money expended in pursuit of
19 disputing and litigating the charges, punitive and exemplary damages, and such further
20 relief as this Court deems just and proper.

21 303The violation by Defendants, which was willful or negligent, was conducted by such
22 malice, insult, and abuse that it constituted an independent tort, thus entitling the
23 Plaintiff to recover punitive damages as well as actual damages;

1 304 That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
2 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
3 costs of suit incurred herein.
4

5 TWENTY SEVENTH CAUSE OF ACTION

6 (BREACH OF GOOD FAITH AND FAIR DEALINGS)

7 305 Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
8 facts as it fully set forth herein;
9

10 306 Plaintiff is informed and believes, and alleges that the property was for Defendant's
11 own purposes of retaining the fraudulent charges.

12 307 As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
13 the time of trial, including all damages, in excess of \$75,000.

14 308 Plaintiff is entitled to damages and repossession of the converted monies and will seek
15 their election of remedies, at the time of trial.
16

17 309 Plaintiff is further entitled to compensation for the time and money expended in pursuit
18 of the removal of the fraudulent charges.

19 310 Defendants acted with willful oppression, fraud, malice and in conscious disregard of
20 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
21 to proof at the time of trial.
22

23 311 Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

24 312 Plaintiff further seek full compensation for the time and money expended in pursuit of
25 the property and punitive and exemplary damages and such further relief as this Court
26 deems
27
28

1 313Plaintiff request this Court grant costs with actual damages, statutory damages, and
2 such further relief as this Court deems just and proper.

3 314Plaintiff further seek full compensation for the time and money expended in pursuit of
4 disputing and litigating the charges, punitive and exemplary damages, and such further
5 relief as this Court deems just and proper.
6

7 315The violation by Defendants, which was willful or negligent, was conducted by such
8 malice, insult, and abuse that it constituted an independent tort, thus entitling the
9 Plaintiff to recover punitive damages as well as actual damages;
10

11 316That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
12 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
13 costs of suit incurred herein.

14 TWENTY EIGHTH CAUSE OF ACTION

15 (UNFAIR AND UNLAWFUL CONDUCT & UNFAIR TRADE PRACTICE)
16

17 317Plaintiff re-alleges and incorporates by reference all preceding allegations of law and
18 facts as it fully set forth herein;

19 318Plaintiff is informed and believes, and alleges that the property was for Defendant's
20 own purposes of retaining the fraudulent charges.

21 319As a result of Defendant's act, Plaintiff has been damaged in the sum to be proven at
22 the time of trial, including all damages, in excess of \$75,000.
23

24 320Plaintiff is entitled to damages and repossession of the converted monies and will seek
25 their election of remedies, at the time of trial.

26 321Plaintiff is further entitled to compensation for the time and money expended in pursuit
27 of the removal of the fraudulent charges.
28

1 322Defendants acted with willful oppression, fraud, malice and in conscious disregard of
2 the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages according
3 to proof at the time of trial.

4
5 323Plaintiff prays for relief in the form of damages according to proof, at the time of trial.

6 324Plaintiff further seek full compensation for the time and money expended in pursuit of
7 the property and punitive and exemplary damages and such further relief as this Court
8 deems

9 325Plaintiff request this Court grant costs with actual damages, statutory damages, and
10 such further relief as this Court deems just and proper.

11
12 326Plaintiff further seek full compensation for the time and money expended in pursuit of
13 disputing and litigating the charges, punitive and exemplary damages, and such further
14 relief as this Court deems just and proper.

15 327The violation by Defendants, which was willful or negligent, was conducted by such
16 malice, insult, and abuse that it constituted an independent tort, thus entitling the
17 Plaintiff to recover punitive damages as well as actual damages;

18
19 328That it may be necessary for Plaintiff to retain the services of an attorney to prosecute
20 this action and, therefore, Plaintiff is entitled to reasonable legal & attorney fees and
21 costs of suit incurred herein.

22
23 ////

24 ////

25 ////

26 ////

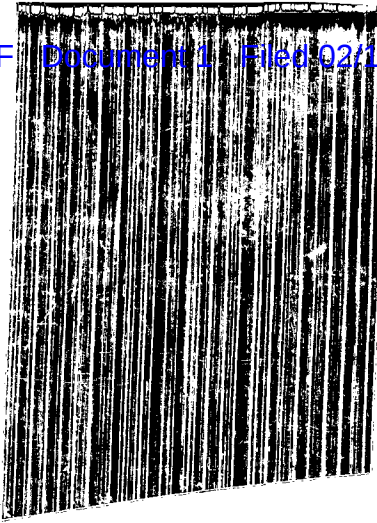
27 ////

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in the instant action.



Michelle Bertsch
4030 Deerfield Avenue
Las Vegas, Nevada 89147
702-371-8288
In Proper Person



OFFICE OF THE CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

280 SOUTH FIRST STREET, ROOM 2112

SAN JOSE, CALIFORNIA 95113-3095

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